



Cornell University University Assembly

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Minutes

Codes and Judicial Committee
University Assembly
November 28th, 2018
4:45pm – 6:00pm
Day Hall Room 163

I. Call to Order

- a. Call to Order
 - i. D. Barbaria called the meeting to order at 4:48pm.
- b. Roll Call
 - i. *Present:* D. Barbaria, R. Bensel, D. Geisler, K. Kebbeh, L. Kenney, R. Lieberwitz, A. Viswanathan, S. Vura, K. Zoner
 - ii. *Absent:* K. Ashford, T. Onabajo
 - iii. *Others Present:* M. Battaglia, M. Lee, C. Liang, R. Parker

II. Approval of Minutes

- a. November 7, 2018
 - i. M. Battaglia moved to postpone approval of the minutes
 1. Minutes **tabled** by unanimous consent.

III. Business of the Day

- a. Discussion on the Sorority and Fraternity Life Accountability Committee
 - i. D. Barbaria said that the President had gathered an informal committee earlier in the semester to suggest possible changes to the fraternity and sorority life system. He said that the said committee is not officially a part of shared governance, but includes members such as the Dean of Faculty, Associate Dean of Faculty, and Student Assembly Vice President J. Anderson. He also said that it is uncertain what the next steps are for the Committee, because there is no document that oversees these processes.
 - ii. M. Battaglia said that the committee is chaired by the former Judicial Administrator and was convened in May to review the Greek system. He said that many parties recommend Greek organizations to be placed under the Code, and that the committee is focusing on possible short-term fixes. He said that concerns were raised regarding why fraternities and sororities

- were not placed under the Code when every other student organization is held accountable under the Code.
- iii. C. Liang identified herself as a member of the Sorority and Fraternity Life Accountability Committee, which is charged with reviewing the review board process in the Greek judicial system. She said that she is happy to answer any questions about issues and where they are arising from.
 - iv. R. Lieberwitz said a question was raised in the Faculty Senate meeting regarding why a separate system would be necessary instead of having the Hearing Boards review the process. She said that such a separation may be seen as an appeasement to alumni who are connected to the Greek system and prefer not to be placed under the Code.
 - v. C. Liang said that this issue has been raised in discussions. She said that one of the main reasons is to mitigate disruptions to the current process of revamping the Code. She added that there is an understanding that Greek organizations should ultimately be included under the Code.
 1. R. Lieberwitz said that was not how the matter was presented at the Faculty Senate meeting.
 2. C. Liang said that there are short and long-term fixes presented. She said that based on conversations from within the committee, Greek organizations are viewed as separate until the Code fixes take place.
 - vi. M. Battaglia said that it was a Board decision to take Greek organizations outside of the Code, but that it would make sense to put them back under the Code. He said that short term fixes are great, but that these organizations should be placed back under the Code in the longer term for simplification of processes. He said that doing so still allows Greek organizations to retain an internal board that takes care of minor issues. He added that the CJC's role is beyond the scope of the Code – it monitors academic integrity issues and its members are stakeholders of Policy 6.4.
 - vii. R. Bensel said that passing a resolution that endorses bringing fraternities and sororities back under the Code may be helpful at some point. He said that the resolution would originate from within the CJC and be sent to the UA.
 1. D. Barbaria said that he believes the said resolution would be beneficial in making the Committee's position clear.
 2. M. Battaglia said that the resolution could be passed through email.
 3. D. Barbaria said that this could be added to the Spring 2019 Committee work to be discussed. He added that this would be a resolution to be passed in person.
 - viii. D. Barbaria asked if the Committee has any recommendations for a better meeting time for next semester.
 1. R. Bensel said that the Faculty Senate has a meeting once a month that overlaps with the current CJC meeting time. He said that there

should be no issues if the Committee meets every other week.

ix. D. Barbaria said that he hopes to fill the vacant employee representative seat for the Committee.

b. For Discussion: UA Chair Battaglia's Reorganized Document

i. M. Battaglia apologized for the delay.

ii. M. Battaglia directed members to the document. He said that the document is a general sketch of what a reorganization of the Code would look like. He said that details of hearings may be placed into the appendix section of the Code, which helps readers understand the workings of the Hearing Board.

iii. D. Barbaria noted that M. Horvath had sent out an email to the Committee because she was unable to attend today's meeting.

iv. R. Bensel asked how Hearing Board chairs report.

1. M. Battaglia said that Hearing Board chairs report upon request.

2. R. Bensel said that inviting the chairs for a discussion on why procedural changes were made would be helpful for the Committee.

3. M. Battaglia said that the language passed last year allows Hearing Boards to amend procedures, but this needs to pass through the Committee if it is at odds with Code, which gives the Committee authority. He said that the language in the Code requires Hearing Board chairs to report to the Committee at least 30 days in advance.

v. D. Barbaria said that the plan for Committee members is to review the assigned sections over break and to make sure that it is coherent and retains everything from the Code.

vi. M. Battaglia said that he is available via email over the break. He noted that the terms "will", "shall", and "should" are used interchangeably in Code, which should be reorganized. He said that a better organized Code is better to work with.

vii. D. Barbaria said that the Committee may have further discussions of specific issues in the Code next semester. He said that he hopes that the Committee can begin the Spring semester with a reorganized draft of the Code that includes everything that should be included.

viii. R. Lieberwitz thanked M. Battaglia for his work and said that the document helps direct attention to issues of greatest importance. She said that based on an observation of the model codes that M. Horvath has sent via email, Truman State University's incorporation of a narrative outlining the rights, obligations, and procedures at the beginning of its Code could be helpful in providing an overview for the general public.

ix. R. Lieberwitz said that the current Code requires an elimination of redundancies especially in the "violations" section. She also said that the Code's current ambiguity in its treatment of faculty coverage calls for clarity, especially in its references to due process procedures that exist for

- faculty.
- x. M. Battaglia said that through reorganizing the Code, the Committee could devise a pamphlet that summarizes the workings of the Code which could be given to first year students.
 - xi. R. Lieberwitz said that she believes that a pamphlet is a good idea, but also having an overview at the beginning of the Code that provides a general outline in plain English would be beneficial.
 - xii. R. Bensel said that the values section of the Code is important and that the Committee should begin work on that early on.
 - xiii. M. Battaglia said that he welcomes any feedback, comments, or suggestions.
- c. Proceeding on Code Reorganization and Revision over Break
- i. D. Barbaria said that Committee members should review the document to ensure that it contains everything that it should. He said that he hopes that the Committee can begin the first meeting of the next semester with all of notes and recommendations.
 - ii. M. Battaglia said that the University Hearing and Review Board (UHRB) nominations will take place soon. He said that the President is concerned that the Committee may be overstepping its authority, but that he is working to clarify with the President in terms of faculty nominations. He also said that he hopes there will be no issues regarding the decoder key for this round of UHRB nominations.
 - iii. D. Barbaria provided clarification to new members of the committee. He said that the Committee nominates UHRB members and then sends those nominations to the UA for approval. He said that the Committee needs to be on the same page with the Office of the Assemblies which handles much of the administrative process of the UHRB nominations.
- d. Planning Spring 2019 Committee Work
- i. D. Barbaria asked if there is anything else that Committee members believe should be dealt in the next semester.
 - ii. D. Barbaria said that he hopes that the Committee can send a draft of the reorganized Code of Conduct to the university administration by the second meeting.
 - iii. A. Viswanathan said that he hopes the Committee could look into developing a Code of Conduct web application or a simpler way in which the Code could be accessed by members of the public.
 - 1. D. Barbaria asked whether this would be an official application endorsed by the university or an informal one distributed among students.
 - 2. R. Parker said that Policy 6.4 may be a good model for this, which has pdf search and click-through options.

3. M. Battaglia said that there is currently a version of the Code on the Dean of Faculty website that can be navigated more easily.
4. D. Barbaria asked if this proposed web application would have other functionalities or mainly for finding information.
5. A. Viswanathan said that given the language of the Code, it is difficult to find the exact section for specific issues. He said that he hopes for a more simplified version of the Code that promotes readability.
 - a. M. Battaglia proposed discussing offline for more ideas regarding this matter.
- iv. R. Lieberwitz said that the federal Department of Education proposed changes through regulations of Title IX and that there is a public comment period that will begin soon. She said that she anticipates new rules and regulations under Title IX that deals specifically with sexual harassment issues on university campuses. She said that because this issue is closely related to the work of the Committee, it may be necessary to revisit the way in which Policy 6.4 was created as an entity separate from the Code. She said that the Committee should be involved in discussions that will take place regarding Policy 6.4.
- v. M. Battaglia said that the UA is a stakeholder in Policy 6.4.
- vi. D. Barbaria provided an overview of the items for next semester: a reorganization of the Code of Conduct, a resolution on the Committee's stance on fraternities and sororities' involvement with the Code, a possible creation of a web application, ensuring that the committee is involved with Policy 6.4 discussions, UHRB staffing, evaluation of UHRB chairs and ensuring that the Committee maintains oversight over appropriate procedures.
- vii. K. Kebbeh asked about community input regarding the Code.
 1. D. Barbaria said that when the Committee sends a draft to the UA, it would be sent publicly to the administration and to the community. He said that this will hopefully take place during the first half of February.
 2. M. Battaglia said that the current draft is public.
- viii. D. Barbaria said that he will be sending out assignments via email.
- ix. M. Battaglia thanked everyone as UA Chair and said that he looks forward to continue working with Committee members to uphold principles of shared governance.

IV. Adjournment

- a. Adjournment
 - i. The meeting was adjourned at 5:47pm.

Respectfully submitted,
Dongyeon (Margaret) Lee
Codes and Judicial Committee Clerk